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Part 1

COMPLETED

ESTABLISHING THE MOUNT ST. HELENS NATIONAL VOLCANIC AREA, AND FOR OTHER PURPOSES

JULY 15, 1982.—Ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 6530, which on June 3, 1982, was referred jointly to the Committees on Agriculture and Interior and Insular Affairs]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 6530) to establish the Mount St. Helens National Volcanic Area, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike all after the enacting clause and insert in lieu thereof the following:

FINDINGS

SECTION 1. The Congress finds that:

(1) Mount St. Helens is a resource of international significance, with inestimable scientific value, and vast potential educational recreational benefits;

(2) the resource includes, but is not limited to, the geologic features of the lateral blast and avalanche of the 1980 eruption; recent and prehistoric lava, mud, and pyroclastic flows; tephra deposits, lava caves, batholiths, intrusive plugs and other igneous features; lakes and river courses; ecologic features such as old growth forests, meadow, riparian and alpine communities; ecological responses to geologic processes; and cultural resources from prehistoric, and recent time; and

(3) for the benefit and enjoyment of present and future generations of the American people a comprehensive area surrounding Mount St. Helens, which contains both unique ecologic and geologic features, communities and landforms, and those which, by contrast, are characteristic of the region, should be preserved.

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ESTABLISHMENT OF NATIONAL VOLCANIC AREA

SEC. 2. (a) In furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest in the State of Washington, which comprise approximately one hundred and fifteen thousand acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Area, June 1, 1982", are hereby designated as the Mount St. Helens National Volcanic Area (hereafter in this Act referred to as the "volcanic area").

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of the volcanic area established under subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act. Such map and description shall be on file and available for public inspection in the office of the Forest Supervisor, Gifford Pinchot National Forest and in the office of the chief of the Forest Service, Department of Agriculture.

(2) The Secretary may correct clerical and typographical errors in the legal description referred to in paragraph (1), and the Secretary may, from time to time, make minor revisions of the boundary of the volcanic area, but no boundary revision may exceed 320 acres for any single contiguous area. Such a minor boundary revision may be made by the Secretary only after publication of notice of the proposed revision in the Federal Register and after submission of notice thereof to the committees referred to in paragraph (1). Such notice shall be published and submitted at least 60 days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 3. (a) The exterior boundary of the Gifford Pinchot National Forest is hereby extended to include all lands and waters within the boundaries of the volcanic area. Lands and interests therein acquired pursuant to section 4 shall become national forest system lands.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460l–4 through 460l–11), the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ACQUISITION

SEC. 4. (a) The Secretary shall acquire all lands and interests in lands within the boundaries of the volcanic area by donation, exchange, or purchase with donated or appropriated funds except as provided in subsection (c). Any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange. Those mining claims in the Green River-Polar Star area shall not be acquired without the consent of the owner.

(b) In recognition of the rapidly deteriorating nature of much of the timber in the volcanic area, any timber acquired pursuant to this section shall be valued for purposes of any acquisition under subsection (a) at an amount not less than the fair market value of such timber on July 1, 1982.

(c)(1) Notwithstanding any other provsion of law, the Secretary shall exchange lands and interests in lands in accordance with the provisions of this subsection. With respect to the lands and interests in lands referred to in paragraphs (2) and (3), the Secretary may exercise the authorities of subsection (a) only to the extent necessary to acquire any lands or interests in lands which are not acquired pursuant to the provisions of this subsection.'

(2)(A) If Burlington Northern Incorporated offers to the United States the following described lands and interests therein, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein (for he purposes of this Act, the term "Burlington Northern Incorporated" shall include any subsidiary of that corporation):

	Acres
T.7N., R.6E.: Sec. 1, Lots 1, 2, and 3, S½NE¼, and N½SE¼	310.11
T.8N., R.5E.:	
Sec. 21, All	640.00
Sec. 23, All	640.00
Sec. 25, All	640.00

	Acres
Sec. 27, All	640.00
Sec. 29, All	640.00
Sec. 31, All fractional	623.52
Sec. 33, All	640.00
Sec. 35, All	640.00
T.8N., R.6E.:	
Sec. 5, All fractional	480.44
Sec. 7, All fractional	637.58
Sec. 9, All	640.00
Sec. 15, W ½	320.00
Sec. 17, All	640.00
Sec. 19, All fractional	631.76
Sec. 21, All	640.00
Sec. 27, W ½	320.00
Sec. 29, All	640.00
Sec. 31, All fractional	630.44
Sec. 33, All	640.00
T.9N., R.5E.: Sec. 25, All	640.00
T.9N., R.6E.:	
Sec. 5, Lot 1, SE¼NE¼, and SE¼	240.41
Sec. 9, All	640.00
Sec. 17, All	640.00
Sec. 21, All	640.00
Sec. 29, All	640.00
Sec. 31, All fractional	639.52
Sec. 33, All	640.00

(B) Upon accpetance of title by the United States to such lands and interests therein, the Secretary shall convey to Burlington Northern Incorporated all right, title, and interest of the United States to the following described National Forest System lands and interests therein, except mineral and geothermal interests:

T. 7N., R. 6E.:	Acres
Sec. 4, All fractional	680.88
Sec. 6, All fractional	670.04
Sec. 10, All	640.00
Sec. 22, All	640.00

(3)(A) If the Weyerhaeuser Company offers to the United States the following described lands and interests inlands, the Secretary shall accept such lands and interests:

(i) Lands and interests therein—

	Acres
T. 9N., R. 3E.: Sec. 1, S½	320.00
T. 7N., R. 4E.: Sec. 25, NW¼NW¼	40.00
T. 8N., R. 4E.: Sec. 2, All fractional (does not include minerals)	494.28
T. 9N., R. 4E.:	
Sec. 1, All fractional	658.52
Sec. 3, S½NE¼, and S½ (does not include minerals on 80 acres)	400.00
Sec. 4, Lots 2 and 3, S½N½, and S½	560.30
Sec. 5, S½NE¼, and S½ (does not include minerals)	400.00
Sec. 6, Lot 7, SE¼SW¼, and S½SE¼	155.38
Sec. 7, All fractional (does not include minerals)	623.44
Sec. 8, All	640.00
Sec. 9, All (does not include minerals on 320 acres)	640.00
Sec. 11, All	640.00
Sec. 13, All	640.00
Sec. 15, E½E½	160.00
Sec. 16, N½NW¼	80.00
Sec. 17, N½NE¼	80.00
Sec. 22, A portion of E½ and E½W½	271.±
Sec. 23, All	640.00
Sec. 24, All	640.00
Sec. 25, All	640.00
Sec. 26, N½, SE¼, and a portion of the SW¼	572.±
Sec. 27, A portion of the NE¼	66.±
Sec. 35, A portion of the NE¼	105.±

	Acres
T. 10N., R. 4E.: Sec. 25, SE¼	160.00
T. 9N., R. 5E.:	
Sec. 5, All fractional	640.32
Sec. 6, All fractional	679.52
Sec. 7, Lots 1 and 2, NE¼, and E½NW¼	340.57
Sec. 8, N½	320.00
Sec. 17, All	640.00
Sec. 19, All fractional	694.72
T. 10N., R. 5E.:	
Sec. 5, A portion of the E½NE¼NW¼ and E½	233.±
Sec. 17, NE¼NE¼, and a portion of the NE¼ and E½SE¼	145.±
Sec. 19, A portion of the S½SE¼	20.±
Sec. 20, A portion of the S½S½	60.±
Sec. 21, E½, E½NW¼, NW¼NW¼, NE¼SW¼, and a portion of the SW¼NW¼, NW¼SW¼	523.±
Sec. 29, All	640.00
Sec. 30, NE¼, S½, and a portion of the E½NW¼	550.±
Sec. 31, All fractional	688.55
Sec. 32, All	640.00
Sec. 33, N½	320.00
T. 11N., R. 5E.: Sec. 32, Lots 1 and 2 (does not include materials)	16.43

(ii) Mineral and geothermal interests—

T. 8N., R. 5E.: Sec. 32	100.±
T. 10N., R. 5E.:	
Sec. 9	160.00
Sec. 11	65.00

(B) Upon acceptance of title by the United States to such lands and interests, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described National Forest System lands and interests in lands:

(i) Lands and interests therein—

	Acres
T.10N., R.5E.:	
Sec. 6, Mineral survey	193.96
Sec. 7, Mineral survey	12.65
T.11N., R.5E.:	
Sec. 28, Mineral survey	24.89
Sec. 29, Portion of MS 837	5.20
T.8N., R.4E.:	
Sec. 29, All (does not include minerals)	640.00
Sec. 30, All fractional	604.07
Sec. 32, All fractional	702.99
T.13N., R.3E.: Sec. 6, All fractional	652.25
T.14N., R.3E.:	
Sec. 10, All	640.00
Sec. 16, All	640.00
Sec. 20, All	640.00

(ii) Mineral and geothermal interests—

T.3N., R.4E.:	
Sec. 2	319.05
Sec. 22	40.00
T.20N., R.17E.: Sec. 26	320.00
T.20N., R.19E.: Sec. 8	160.00
T.21N., R.17E.: Sec. 13	80.00
T.21N., R.16E.: Sec. 14	320.00
T.22N., R.16E.:	
Sec. 27	320.00
Sec. 33	640.00
T.15N., R.4E.: Sec. 32	320.00
T.27N., R.11E.: Sec. 21	320.00
T.14N., R.2E.: Sec. 24	640.00
T.14N., R.3E.:	
Sec. 4	596.48
Sec. 8	640.00
Sec. 12	106.39

(2) in the case of any emergency which may threaten human life or property, the Secretary, acting through authorized personnel of the Forest Service, may take any action which such personnel deem necessary for the protection of human life or property.

Any action taken under paragraph (1) shall be the minium necessary to prevent or reduce the unacceptable endangerment or damage, and any such action (other than emergency action to control fire) shall be based on a written finding of need. Such finding shall be based on an assessment of alternative courses of action.

(c) The Secretary shall permit the full use of the volcanic area for legitimate scientific study and research, except that the Secretary may impose such restrictions as may be necessary to protect public health and safety and to prevent undue modification of the natural conditions of the volcanic area.

(d) Nothing in this Act shall be construed to prohibit reasonable use of motorized equipment in the volcanic area, including aircraft landings, to: (1) provide emergency medical and rescue services (including those provided by State and local governments), or (2) place and service scientific equipment or provide access for research purposes.

(e)(1) The Secretary shall provide for recreational use of the volcanic area, except that the Secretary may impose such restrictions on any visitation within the volcanic area as the Secretary deems necessary for the protection of public health and safety, the resources of the volcanic area, and scientific research activities within the volcanic area. The Secretary shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs.

(2) Roads or other developed facilities within the volcanic area should be located generally in areas which were developed prior to the 1980 eruption. Roads no longer needed for proper administration of the volcanic areas shall be obliterated by man-made actions or by allowing natural forces to occur.

(3) The Secretary shall prohibit the use for commercial timber purposes of any forest system roads within the volcanic area. The prohibition set forth in the preceding sentence shall not apply to the use of any vehicles which the Secretary determines necessary for—

(A) operations carried out in connection with timber salvage contracts awarded by the Forest Service before the date of enactment of this Act; or

(B) other operations carried out in connection with the timber harvest on lands located within or adjacent to the volcanic area and on non-Federal lands in the volcanic area if the Secretary determines, on a case-by-case basis, after notice and opportunity for public hearing on the record, that such operations (i) will not impair the resources referred to in section 1 and (ii) will be consistent with the provisions of this Act.

(f) Subject to valid existing rights, all lands and waters within the volcanic area are hereby withdrawn from disposition under the public land laws, from location, entry, and patent under the United States mining laws, from the operation of the United States mineral leasing laws, and from the operation of the Geothermal Steam Act of 1970. Any mining activity carried out pursuant to valid existing rights shall be conducted in such manner as will maintain the water quality in existence in the affected area immediately prior to the commencement of such activity.

(g) Except for timber salvage contracts awarded by the Forest Service before the date of enactment of this Act and except as provided for in subsection (b), no commercial timber harvest or water resource developments shall be allowed on Federal lands within the volcanic area.

(h) The Secretary shall permit hunting and fishing on lands and waters within the volcanic area in accordance with applicable Federal and State law, except that the Secretary may designate zones within the volcanic area where, and establish periods when, no hunting or fishing shall be permitted for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary under this Subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(i) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 2(b), a detailed and comprehensive management plan for the volcanic area. The initial volcanic area management plan may be expressed as an amendment to the October 1981 Mount St. Helens Land Management Plan. Subsequent volcanic area plans shall be integrated with and periodically revised as a component of the Gifford Pinchot Land management planning process. The plan shall include but not be limited to:

	Acres
T.7N., R.4E.:	
Sec. 4	39.73
Sec. 6	233.13
T.8N., R.3E.:	
Sec. 10	480.00
Sec. 14	640.00
Sec. 16	627.36
Sec. 20	80.00
Sec. 22	560.00
Sec. 24	645.90
Sec. 26	480.00
Sec. 28	505.68
Sec. 30	120.00
Sec. 32	640.00
Sec. 34	80.00
Sec. 36	640.00
T.8N., R.4E.: Sec. 6	457.86

(4) Except as provided in paragraph (7), the instruments of conveyance respecting the lands and interests exchanged under this subsection may contain such reservations as may be agreed upon by the Secretary and the Weyerhaeuser Company or the Secretary and Burlington Northern Incorporated, as the case may be. The provisions of subsection (a) shall apply to the acquisition by the Secretary of any mineral or geothermal interests owned by Burlington Northern Incorporated.

(5) It is the sense of the Congress that the transactions necessary to effect the conveyances of title to lands referred to in this subsection should be completed within ninety days after the date of enactment of this Act. In the case of mineral and geothermal rights, the necessary transactions shall be completed within one year after such enactment. The rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(6) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein caused by a direct action on the part of the current land owner below that which formed the basis for the exchanges provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein has occurred caused by direct action on the part of the current land owner, the Secretary shall not carry out the exchange for those lands or interests so affected under this subsection, and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with the provisions of subsection (a).

(7) The provisions of this subsection (except for the provisions of paragraph (6)) do not authorize the exercise by the Secretary of the power of eminent domain, and any exchange of the lands or interests in lands carried out under this subsection shall be pursuant to a voluntary agreement entered into between the Secretary and Burlington Northern Incorporated, or the Weyerhaeuser Company, as the case may be, with the full consent of each of the parties to such agreement. No prior contractual obligation of Burlington Northern Incorporated, or of the Weyerhaeuser Company which may be affected by such exchange shall be assumed by, or otherwise transferred to, the United States in connection with such exchange.

(d) Any terms, conditions, or obligations imposed by the Act of July 2, 1864 (13 Stat. 365), as amended that apply to lands and interests in lands exchanged under this Act by Burlington Northern Incorporated shall apply in equivalent manner to lands and interests in lands obtained by Burlington Northern Incorporated under this Act.

ADMINISTRATION

SEC. 5. (a) The Secretary shall administer the volcanic area as a separate unit within the boundary of the Gifford Pinchot National Forest, in accordance with the appropriate laws pertaining to the national forest system, and in accordance with the provisions of this Act.

(b) The Secretary shall manage the volcanic area to protect the geologic, ecologic, and cultural resources found there in as natural a state as possible, allowing primarily natural geologic forces and ecological succession to continue unimpeded, except that—

(1) the Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the volcanic area or (B) cause substantial damage to significant resources adjacent to the volcanic area, and

(1) measures for the preservation of the natural geologic and ecologic processes and integrity of the resources;

(2) indications of types, locations and general intensities of development and access routes associated with the public understanding, use and enjoyment of the area, including anticipated timetables and costs;

(3) identification and implementation plans for visitor carrying capacities of the area; and

(4) indications of any potential modifications of the external boundaries of the area, and the reasons therefor.

SCIENTIFIC ADVISORY BOARD

SEC. 6. (a) There is hereby established the Mount St. Helens Scientific Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the measures needed to protect and manage the natural and scientific values of the volcanic area, and

(2) the administration of the volcanic area with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the volcanic area.

The Board may make recommendations to the Secretary in regard to new research opportunities which may exist within the volcanic area designed to gain scientific information for future interpretation and enjoyment by visitors to the volcanic area. No recommendation by the Board shall be binding upon the Secretary.

(b) The Board shall be composed of nine members, who shall be individuals with recognized professional standing in appropriate scientific disciplines, as follows:

(1) three members appointed by the Secretary (one of whom shall be a professional employee of the Forest Service);

(2) two members appointed by the Secretary of the Interior (one of whom shall be a professional employee of the United States Geological Survey);

(3) two members appointed by the Governor of the State of Washington from among professional employees of the State of Washington (one of whom shall be from the Department of Fisheries and one of whom shall be from the Department of Game); and

(4) two members appointed by the Chairman of the National Science Foundation.

(c) Each member shall be appointed to serve for a term of three years, except that one of the initial appointees of each appointing official shall serve an initial term of four years, one of the initial appointees of each appointing official shall serve an initial term of two years, and one of the initial appointees of the Secretary shall serve an initial term of one year.

(d) The members of the Board shall be appointed within ninety days of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to potential and ongoing research programs within the volcanic area.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chair, the expenses reasonably incurred by the Board and its members in carrying our their responsibilities under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) The Board shall terminate ten years from the date of its first meeting.

EXPENDITURE OF CERTAIN REVENUES FROM GIFFORD PINCHOT NATIONAL FOREST BY SKAMANIA COUNTY, WASHINGTON

SEC. 7. (a) Notwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), of the amount which is paid under such provisions to the State of Washington with respect to Gifford Pinchot National Forest, to be expended for the benefit of Skamania County—

(1) not less than fifty percent shall be expended for the benefit of the public schools of Skamania County, as Skamania County may specify, and

(2) the remainder shall be expended for the benefit of public roads and other public purposes of Skamania County, as Skamania County may specify.

(b) Subsection (a) shall not apply to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (a) at the end of any fiscal year ending before the date of the enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated for fiscal years commencing after September 30, 1983, such sums as may be necessary to carry out the provisions of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 9. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

Amend the title so as to read:

To establish the Mount St. Helens National Volcanic Area, and for other purposes.

PURPOSE

The purpose of H.R. 6530,[1] is to designate approximately 115,000 acres of land within and adjacent to the Gifford Pinchot National Forest in the State of Washington as the Mount St. Helens National Volcanic Area. The National Forest boundary is expanded to include the Volcanic Area, which would be administered by the Secretary of Agriculture through the Forest Service.

The Secretary is directed to acquire all non-federal lands and interests in lands within the boundary by donation, exchange or purchase, and the date of valuation for timber to be acquired is set as of July 1, 1982. In order to expedite the exchange of the major portion of the private lands and interests within the Volcanic Area, certain Gifford Pinchot lands and interests outside the boundary are specifically described and designated to be exchanged, voluntarily and on an equal value basis, with other specifically described and designated lands and interests within the boundary, owned by Weyerhaeuser Company and Burlington Northern Incorporated.

The Secretary is required to manage the area primarily to protect its value for scientific research and recreational use, including hunting and fishing. A Scientific Advisory Board is established to advise the Secretary regarding management actions and policies needed to protect the scientific values and to assure retention of the natural, ecologic, and geologic processes and the integrity of the volcanic area.

BACKGROUND

On May 18, 1980, after a 123-year dormant period, Mount St. Helens violently erupted, devastating over 235 square miles of national forest, state, and private timber and recreational lands in the area. Preceded by an earthquake measuring 5.0 on the Richter scale, the lateral explosion destroyed the top one-third of the mountain, killed 60 people, obliterated or blew down over three billion board feet of timber, destroyed all other vegetation, and exacted a heavy toll on fish, wildlife and their habitats.

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[1] H.R. 6530 was introduced by Representatives Bonker, Foley, Dicks, Swift, Lowry, Pritchard and Morrison (jointly referred to Interior and Agriculture).

The eruption explosively released hot gases, pumice and ash, and triggered avalanches and major mudflows and flooding in the area's rivers. The ash cloud that accompanied the eruption rose 63,000 feet in the air and drifted around the world, blanketing large areas of Washington and adjoining states with ash fallout. Smaller eruptions, pyroclastic flows, venting of ash and gases, and the building of a lava dome within the crater have occurred periodically since the major eruption.

Faced with the responsibility of managing lands affected by this cataclysmic event, the Forest Service initiated work on a special managment plan for the area. Based on the conclusions of an Interdisciplinary Planning Team and the assessment of several alternatives in an Environmental Impact Statement, the Forest Service issued its Mount St. Helens Management Plan in October, 1981. The Preferred Alternative identified in the Plan calls for the establishment of an 84,710 acre Interpretive Area to protect certain significant geologic features within a portion of the blast zone created by the volcano. The Interpretive Area envisions the expansion of the Gifford Pinchot National Forest and the eventual acquisition of approximately 15,000 of the over 26,000 acres of state and private lands within the expanded boundary. Legislation is necessary to expand the national forest boundary.

Several legislative proposals were made to expand the forest boundary, to provide statutory management direction, and to designate certain lands surrounding the volcano as either a National Monument or National Volcanic Area. These bills were referred to both the Agriculture and Interior Committees. The various proposals are described briefly below:

(1) H.R. 5281, sponsored by Mr. Bonker of Washington, included approximately 110,000 acres and is similar to the proposal recommended by the Governor of Washington,

(2) H.R. 5773, by Mr. Foley and Mr. Morrison, of Washington, included approximately 84,700 acres and sets the boundary of the Volcanic Area at that recommended by the Forest Service in its proposed Interpretive Area.

(3) H.R. 5787, by Mr. Bonker, included approximately 216,000 acres and reflects the proposal made by the Mount St. Helens Protective Association and other environmental organizations.

After hearings in Washington, D.C., and in Washington State on these legislative proposals, H.R. 6530 was introduced by Congressman Bonker and was cosponsored by the members of the Washington State Congressional delegation. As introduced, H.R. 6530 would establish a National Volcanic Area of approximately 115,000 acres and includes many of the suggestions for management direction and boundaries made during the hearings. It incorporates many of the areas most highly endorsed for protection by the scientific and environmental witnesses at the hearings.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 6530 was introduced by Rep. Don Bonker on June 3, 1982. Three other bills concerning legislative protection of the Mount St. Helens area had previously been introduced; H.R. 5281, H.R. 5773, and H.R. 5787, and were jointly referred to the Committee on Inte-

rior and Insular Affairs and the Committee on Agriculture. Joint hearings by the Subcommittee on Public Lands and National Parks and the Subcommittee on Forests, Family Farms, and Energy were held on these bills in Washington, D.C. on March 11, 1982, and in Vancouver, Washington on April 3, 1982. Subsequent to these hearings, H.R. 6530 was introduced. The Subcommittee on Public Lands and National Parks considered the four bills on June 14, 1982 and recommended H.R. 6530, with amendments, to the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs ordered the bill, as amended, favorably reported by voice vote, on June 23, 1982, and recommends it to the House.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes findings that the Mount St. Helens area is of great value for scientific and recreational purposes.

Section 2 establishes the "Mount St. Helens National Volcanic Area" of about 115,000 acres and requires the Secretary of Agriculture to prepare the final boundary map.

Testimony at the hearing held on the various bills relating to establishment of a Mount St. Helens National Volcanic Area provided a wide range of views as to the need for and size of the area. The overwhelming evidence presented, particularly from the scientific community, was that an area of adequate size should be established and protected for short and long term geological and biological research. As a consequence of that testimony, a very careful analysis of each of the significant drainages was conducted. The core area comprised of 84,700 acres was supported by all groups. Additional areas recommended were Goat Creek, Smith Creek, Clearwater Creek, Miners Creek, Ape Creek Canyon, Muddy River, Miners Creek, Fawn and Elk Lakes area, Upper Green River, Kipuka, Quartz Creek, Bear Creek, Swift Creek, Goat Marsh Research Natural Area and part of the South Fork of the Toutle River. After careful consideration of the relative scientific and recreational values of these areas, the Committee adopted boundaries including the areas generally agreed upon as having the highest values for scientific and recreational uses while holding any impacts on the logging industry to a minimum.

The bill as reported would designate a Mount St. Helens National Volcanic Area of approximately 115,000 acres. The boundaries include the area proposed by the Forest Service and additional areas required for research, scientific study, and recreational use. These areas are: Goat Creek, Kipuka, Smith Creek, Miners Creek, and Upper Green River.

There are several Forest Service management areas that were not included in the reported bill even though they were listed by the scientific community and other groups and individuals as high priority areas. These areas are Quartz Creek-Strawberry Mountain, Muddy River, and Bean-Clearwater Creeks drainage. The final Environmental Impact Statement of the Forest Service sets forth constrained mangement policy for most of these areas as prime wildlife habitat, unroaded recreation area, research natural area, or recreational access route which will provide appropriate Forest

Service management. Because of these stated policies and because they were of lower scientific and environmental priority, the areas were not included within the volcanic area boundary. The Committee intends that the Forest Service shall continue to manage these areas, as they have proposed, in a manner sensitive to and consistent with their stated objectives and the provisions of this Act. For example, the main access to the entire northern end of the unit for scenic, recreational, and scientific study purposes will be the existing road through the Quartz Creek drainage, and the Committee expects the Forest Service to manage this area in a manner appropriate to serve these needs. The Committee has the same concerns with portions of the Muddy River drainage to the north of the Cedar Flats Natural Area, where scientists have indicated great interest in some of the remaining stands of virgin cedar, affected by the mud flow, but apparently recovering. Because of the great scientific interest in this forest, the Committee expects the Forest Service to continue to protect its value for scientific study and research.

The Committee has given the Forest Service specific authority to make minor boundary adjustments for the purpose of blocking out boundaries to optimize the management of the unit. The Committee has already carefully drafted the boundaries to accommodate the various interests and concerns. More than minor adjustments which do not facilitate proper administration and protection of the area are not authorized. The Committee intends that the area including Fawn, Hanaford, and Elk Lakes not be included in the volcanic area boundary and that the boundary along the central segment of Miners Creek only include the creek bed and approximately 100 feet to the west thereof. Additionally, the Committee specifically excluded the alignment of the Weyerhaeuser Company main haul road located along the South Fork of the Toutle River in section 2 and the area including the existing power line at the toe of the Kipuka lava flow.

Section 3 extends the boundary of Gifford Pinchot National Forest to include the volcanic area.

Section 4 provides for acquisition of all lands and interests therein by donation, exchange or purchase (lands owned by the State may be acquired only by exchange); sets the date of valuation for timber as of July 1, 1982; sets forth specific land exchanges between the Forest Service, Weyerhaeuser Company and Burlington Northern Incorporated; states it is the sense of the Congress that the exchanges of land and timber should be completed within 90 days of enactment and requires the mineral exchange be completed within one year; provides that if the landowners affected cause any change in value on their land prior to exchange completion, that the exchange shall be renegotiated under normal exchange procedures; provides that the exchange is voluntary and that the Federal Government shall not be considered to be party to any prior contractual obligations of the current landowners.

The bill as reported provides full acquisition authority to the Secretary of Agriculture for lands and interests in lands within the boundary except for limitations on acquisition of mining claims in the Green River-Polar Star area. Additionally, the Act specifically provides for a legislated land exchange, based upon an agreement

between the Forest Service and the major landowners, Burlington Northern Incorporated and Weyerhaeuser Company. While this exchange is subject to a determination by the Secretary of Agriculture that clear titles have been presented by the companies for surface or subsurface rights, it is the intent of the Committee that the Secretary shall endeavor to complete the exchanges with all possible dispatch. The Committee also notes that though the specific land areas identified for exchange by the bill are a product of the best possible negotiated settlements between the government and the companies, the Secretary has the latitude for minor adjustments to conclude fair and equitable agreements. The Committee intends that the term "mineral and geothermal interests" shall include oil, gas, and all other mineral resources.

The Committee notes that Burlington Northern Incorporated has testified that it will make the timber available on its lands for small business bidding. The Committee strongly encourages the Forest Service to maximize small business set asides in the Gifford Pinchot National Forest to encourage and support the small timber and mill operations in the area.

By the inclusion of subsection 4(d), this Committee intends neither to free the Burlington Northern Railroad Company lands received in exchange from any terms, conditions or obligations arising from the Northern Pacific landgrant (Act of July 2, 1864; 13 Stat. 365), and subsequent amendments thereto, nor to impose upon the Burlington Northern Railroad Company lands any new terms, conditions or obligations.

Section 5 provides for the management of the area as a separate unit of the national forest and establishes that the primary management functions are to protect the value of the area for scientific research and recreational use; provides full authority for the Secretary to control any activity to protect human life and property and take needed action in case of an emergency; prohibits timber harvesting except to control disease or insect infestation that may cause substantial damage to significant resources adjacent to the area; provides for rebuilding of roads under qualified conditions, assisting local governments to develop interpretive programs, and allows hunting and fishing; withdraws the area from future mineral entry and provides that the exercise of valid existing rights shall be conducted in such a manner as to protect water quality; and requires the Secretary to submit a management plan, within 3 years of enactment, to the appropriate Congressional Committees.

The bill as reported provides restrictions upon the use of roads in the volcanic area for commercial timber purposes to aviod conflicts with tourist related travel and to minimize potential adverse effects upon the scientific research areas. However, the Act does not apply retroactively to such short term use as may be occurring prior to enactment. Authority is provided for any needed action to be taken within the boundary of the volcanic area to protect human life and property in case of an emergency. This authority is intended to include any needed action to prevent or control potential downstream flooding disasters where no other feasible alternative exists. It is also noted that logging activities occurring adjacent to the boundaries of the volcanic area may, in some cases, require minor intrusions into the area for purposes of surveying, hazard

control, and guyline or tailhold anchors. Such use in the immediate boundary area should be permitted by the Secretary if it does not significantly adversely affect the resources or scientific values of the area.

The bill provides for a management plan to be submitted to the Committees, within three years, as an amendment to the existing Forest Service plan for the area. It is intended that this and subsequent plan updates will be integrated with the Gifford Pinchot National Forest land management planning process, but will be a separate part or chapter of the Forest plan and will clearly relate to the volcanic area as a separate management unit of the forest.

It is the intent of the Committee on Interior and Insular Affairs that none of the provisions of section 5 of the bill shall be interpreted or applied in a manner which would limit or restrict "flyovers" of the volcanic area by aircraft.

Section 6 establishes a Scientific Advisory Board comprised of nine members to advise the Secretary regarding policies, rules, regulations and programs affecting the management of the area and the conduct of scientific research. The members are appointed to three year terms (except for the initial terms which are variable appointments of one to four years), three members appointed by the Secretary, two by the Secretary of the Interior, two by the Governor of Washington, and two by the Chairman of the National Science Foundation.

The Scientific Advisory Board is established to assist the Forest Service in developing rules and regulations to govern the management of the area for optimum research potential. It is intended that the board assist the Secretary by providing specific recommendations for management policies and rules such as may be required to minimize conflicts between no-action areas for scientific research and action areas needed for wildlife habitat manipulation or fisheries restoration. Copies of any reports that may, from time to time, be submitted to the Secretary by the Board shall also be provided to the appropriate Committees of the Congress.

Section 7 permits Skamania County greater latitude for expenditure of Forest Service receipts paid to the county. One-half of the receipts are to be expended for public schools and one-half may be expended as the county may specify.

Section 8 provides for authorization for appropriations.

Section 9 provides for Budget Act compliance.

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the act, but no specific oversight hearings have been conducted on the matter. No recommendations were submitted to the Committee pursuant to rule X, clause 2(b)(2).

INFLATIONARY IMPACT STATEMENT, COST, AND BUDGET ACT COMPLIANCE

Since this legislation involves existing Federal lands and exchanges for private holdings, there should be no significant inflationary impact on the national economy.

The Committee has determined that the costs incurred as a result of enactment of this bill will not be significant since most of the costs were incurred as a result of the administrative designation of the area.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 9, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6530, a bill to establish the Mount St. Helens National Volcanic Area, and for other purposes, as ordered reported by the House Committee on Interior and Insular Affairs, June 23, 1982.

In October 1981, the Chief of the Forest Service administratively designated the Mount St. Helens National Volcanic Area on 84,700 acres of land. H.R. 6530 gives legislative approval to the designation and expands the size of the volcanic area to 115,000 acres. The bill also authorizes the appropriation of such sums as may be necessary to carry out the provisions of the bill, effective in fiscal year 1984, and directs the Secretary of Agriculture to carry out a number of activities related to the volcanic area designation.

The bill directs the Secretary of Agriculture to prepare a management plan for the volcanic area within three years of enactment of this act. It is expected that the development of this plan will cost the federal government approximately $300,000 in each of the fiscal years 1984 and 1985. The bill also directs the Secretary of Agriculture to acquire nonfederal lands within the boundaries of the volcanic area by purchase or exchange and specifically outlines the details of anticipated land exchanges. It is expected that only very small landholdings will be purchased by the federal government at a cost of approximately $300,000 in fiscal year 1984. In addition, the bill amends the boundaries of the Gifford Pinchot National Forest to include all lands included in the volcanic area, and establishes the Mount St. Helens Scientific Advisory Commission to make recommendations regarding protection of the natural and scientific values of the volcanic area. It is expected that the expenses incurred by this commission will be approximately $10,000 per year.

Based on information from the National Forest Service, it is estimated that capital investments and operation and maintenance costs associated with the national volcanic area designation will total approximately $66 million by 1990. Most of these costs could be incurred without this legislation, however, as a result of the administrative designation of the national volcanic area.

In addition to the outlays expected to be incurred by the federal government as a result of enactment of H.R. 6530, receipts of up to $1.5 million per year from the sale of timber may be foregone due to the land exchanges and timber withdrawals specified in the bill.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

DEPARTMENTAL REPORT

A report was requested from the Department of Agriculture on H.R. 5281, January 26, 1982; and on H.R. 5773 and H.R. 5787, March 29, 1982. The report received from the Department of Agriculture, dated June 22, 1982, follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 22, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that the House Subcommitte on Public Lands and National Parks has reported to the full Committee legislation that would designate a 115,000-acre Mount St. Helens volcanic area and would direct acquisition of all State and private lands within the volcanic area by exchange. We enclose updated acreage and resource information for each of the major additions included in the House Subcommittee proposal.

The Forest Service in October 1981 administratively designated 84,700 acres of the Mount St. Helens area as a National Volcanic Area. In that administrative decision, every possible effort was made to carefully balance important public interests including:

Preserving most of the area significantly affected by the volcano's blast of May 18, 1980,

Providing for unique geological and ecological research opportunities,

Providing for visitor access, public safety, and services for a major public attraction,

Keeping down the cost of acquiring intermingled private land which is not an essential part of the area,

Limiting reductions in future timber production and harvest levels which would result from the special designation,

Permitting salvage of most of timber killed by the blast, while leaving a significant amount in the area for research and interpretative purposes,

Reducing fire, insect, and disease hazards by salvaging dead timber adjacent to green timber stands, and

Providing for potential mineral development within the Green River drainage.

The Administration has supported statutory designation of the 84,700-acre area as a National Volcanic Area. We, however, are opposed to enlargement of the area. The added area would not contribute significantly to accomplishing the purposes of the National Volcanic Area but would have high costs in other resource values foregone.

The enclosure discusses briefly the various considerations which have led us to conclude that the Administration cannot support the

Subcommittee-passed bill. We hope that you will reach the same conclusions we have after you have considered the resource information and amend the bill to reduce the acreage included in the designation.

We would appreciate the opportunity to discuss any questions you may have regarding our views on this important matter.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of the Subcommittee bill in its present form would not be in accord with the President's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

Enclosure.

DATA FOR ADMINISTRATION AND HOUSE SUBCOMMITTEE PROPOSALS FOR MOUNT ST. HELENS

Size of area (acres):	
House Subcommittee proposal	115,000
Administration position	84,700
Total acres added	30,300
Private lands to be acquired by exchange (acres):	
House Subcommittee proposal	30,100
Administration position	15,000
Total acres added	15,100

An estimated 4,000 to 6,000 acres of National Forest System lands would be needed to acquire the private lands by exchange and would result in National Forest timber sale receipts being foregone of approximately $500,000 annually.

Timber resource inventory

The following data is an estimate of green and salvage timber:

House Subcommittee proposal—1,300 to 1,500 million board feet [1]—$220 to $230 million.

Administration position—600 to 700 million board feet [1]—$115 to $120 million.

Within the 30,300 additional acres in the Subcommittee proposal there is an estimated 700-800 million board feet of timber. It includes 200 to 300 million board feet (valued at $28 million) of planned salvage. In the remaining inventory of 400 to 500 million board feet some 10 to 20 percent may not be harvested because of other resource considerations sush as roadless areas or wildlife habitat areas. The attached data sheet outlines resource values in each specific area.

Potential mineral resources

There are approximately 100 mining claims on 1,500 to 2,000 acres in the Polar Star/Green River area with approximately 13 claims that are in the process of being patented. The primary mineral is copper which may have a potential value of $500 million. The Subcommittee proposal makes the mineral withdrawal subject

[1] 600 to 700 million board feet would not be subject to harvest.

to valid existing rights. We do not know what part of the mineral resource would be subject to these rights.

Increased wildfire hazard

More than 80 percent of the blast area is characterized by heavy volumes of downed trees and other vegetative debris, amounting to 300 per acre in many locations. These fuels create the potential for a major conflagration. One objective of timber salvage outside the volcanic area is to reduce the hazard of wildfire so as to prevent the spread to adjacent undamaged National Forest and private forest lands. Timely timber salvage in key areas will substantially reduce this high potential hazard. The House Subcommittee proposal would reduce planned timber salvage by 29 percent.

Areas not justifiably part of the volcanic area

The House Subcommittee proposal adds several areas totaling approximatley 10,000 acres (Goat Creek, Smith Creek, and Kipuka) that do not contain significant volcanic features. We believe these areas are not appropriate additions to the National Volcanic Area.

June 22, 1982.

ACREAGE AND RESOURCE INFORMATION FOR MAJOR ADDITIONS INCLUDED IN HOUSE SUBCOMMITTEE PROPOSALS FOR MOUNT ST. HELENS NATIONAL VOLCANIC AREA

Area and management plan	Acres			Standing and salvage timber volume (million board-feet)			Timber value (million dollars)			Private land acquisition cost (thousand dollars)	Annual program harvest (million board-feet per year)
	National forests	Private	Total	National forest	Private	Total	National forest	Private	Total		
Miners Creek: General forest	1,175	890	2,065	50	36	86	5.5	4.0	9.4	267	.6
Goat Creek: General forest, unroaded recreation, prime habitat	5,880	160	6,040	156	0	156	35.0	0	35.0	48	1.4
Polar Star/Green River: General forest	5,720	400	6,120	313	Unknown	313	31.6	Unknown	31.6	120	.9
Smith Creek (2A): General forest	1,480	520	2,000	34	0	34	.2	0	.2	156	.2
Smith Creek (2B): General forest	2,125	1,880	4,005	45	5	50	5.0	.6	5.6	564	.9
Kipuka: General forest, prime habitat	6,630	20	6,650	106	0	106	24.0	0	24.0	6	2.3
Total [1]	23,010	3,870	26,880	704	41	745	101.3	4.6	105.8	1,161	6.3

[1] Does not include other minor additions such as Goat Marsh, Castle Creek, or South Fork of Toutle

Source: USDA-Forest Service, June 22, 1982